

Application No.: 09/986,975

REMARKS

Independent claims 1 and 2 stand rejected as follows: Claim 1 stands rejected under 35 U.S.C. § 102 as being anticipated by Misenhimer et al. '541 ("Misenhimer") and Ernster et al. '351 ("Ernster"); and claim 2 stands rejected under 35 U.S.C. § 102 as being anticipated by Ernster; further, claims 1 and 2 stand rejected under 35 U.S.C. § 103 as being unpatentable over Wulf in view of Admitted prior art, Cotton et al. or Thuma '242, '837.

Upon reviewing the cited prior art, Applicants note that only Misenhimer is related to a washing apparatus, whereas the remaining references are each related to food processors (specifically, blenders). Accordingly, in order to remove the food processor prior art relied on by the Examiner, each of claims 1 and 2 have been amended to recite a "stirring blade (2) which comprises a disk with protrusions formed thereon." An exemplary embodiment of a stirring blade of the present invention is shown, for example, in Figure 2 of Applicants' drawings.

In contrast, the food processor prior art relied on by the Examiner discloses only the conventional sharpened blades (c.g., for blender functionality) which do not have protrusions formed thereon. Indeed, the aforementioned structural difference between the present invention (disk with protrusions formed thereon) and the food processors (sharpened blades) emphasizes the differences in the respective field of inventions, in that the stirring blade uses the protrusions to effect the agitation functionality necessary for washing whereas the sharpened, non-protrusion blades used in food processors are used for cutting food. Accordingly, it is respectfully submitted that the present invention as now recited in claims 1 and 2 distinguishes over the broadly relied on food processor prior art.

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With respect to claim 1 and Misenhimer, in order to expedite prosecution, claim 1 has further been amended to recite a "stirring blade (2) ... which is rotatably connected to a shaft of the rotary drive unit" (similar to claim 2, noting that claim 2 was NOT rejected over Misenhimer). In this regard, it is respectfully submitted that the Examiner's broad interpretation of vanes 54 of Misenhimer (which are simply extensions from the inner wall of the tub 14) as the claimed stirring blade has been obviated, in that the alleged stirring blade is not rotatably connected to a shaft of a rotary drive unit.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that the cited prior art does not anticipate claims 1 and 2, nor any claim dependent thereon. The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested", which sets forth the applicable standard for establishing obviousness under § 103:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in claim 7 because the proposed combination fails the "all the claim limitations" standard required under § 103.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*,

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819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 1 and 2 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

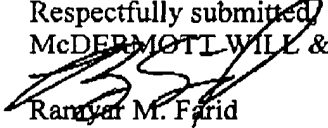
In this regard, it is respectfully requested that withdrawn claims 11-18 and 23-36 be rejoined as being dependent, directly or indirectly, on allowable claims 1 and/or 2.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 102 and 103 be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,
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